

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
SOUTHEASTERN DIVISION**

QUINTAYUS D. MOORE

Plaintiff,

v.

JOSHUA GREGORY, et al.,

Defendants.

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No. 1:18-CV-112 AGF

**MEMORANDUM AND ORDER**

This matter is before the Court on plaintiff's request for waiver of filing fees. Plaintiff's request will be denied.

Plaintiff, a prisoner, was assessed an initial partial filing fee of \$1.00 in this Court, pursuant to *Henderson v. Norris*, 129 F.3d 481, 484 (8<sup>th</sup> Cir. 1997), on May 17, 2018. [Doc. #5] On May 29, 2018, plaintiff sought leave to have his initial partial filing fee removed from his prison account. [Doc. #7]

The Court granted plaintiff's request on June 4, 2018, ordering that the agency having custody of plaintiff being making payments to the District Court until the full filing fee of \$350.00 was paid in full, in accordance with 28 U.S.C. § 1915(b)(2). [Doc. #11] Section 1915(b)(2) states that the agency having custody of the prisoner will deduct payments and forward them to the Court each time the amount in the prison account exceeds \$10.00.

Plaintiff appealed this action on May 30, 2018, and he filed a motion to proceed in forma pauperis on appeal on that same date. [Doc. #8 and #10] The Court granted plaintiff's request to proceed in forma pauperis on appeal on June 4, 2018, and at that time, the Court assessed an

initial partial appellate filing fee of \$1.00. Plaintiff was instructed to begin making remittances for his appellate filing fee of \$505.00 to the District Court. [Doc. #13]

Plaintiff now requests waiver of his filing fees because he is lacking funds. He additionally claims that the Cape Girardeau County Jail is “zeroing out” his account, instead of following the law and taking out the appropriate amount for filing fees, as provided by statute.

Title 28 U.S.C. § 1915(b)(1) states, “if a prisoner brings a civil action or files an appeal in forma pauperis, the prisoner *shall* be required to pay the full amount of the filing fee.” (Emphasis added). Thus, payment of the full amount of both the District Court’s and the Eighth Circuit Court of Appeal’s filing fees is mandatory in this case.

Furthermore, plaintiff has not demonstrated that he has no funds and cannot pay the filing fees in this instance. He has not submitted an updated copy of his prison account showing he has no funds available in his account. As a result, his request to waive the filing fees will be denied.

Accordingly,

**IT IS HEREBY ORDERED** that plaintiff’s request for waiver of the filing fees [Doc. #17] is **DENIED**.

Dated this 6th day of July, 2018.

  
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AUDREY G. FLEISSIG  
UNITED STATES DISTRICT JUDGE